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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 March 1996, at 3 p.m.

Chairman: Mr. VASSYLENKO (Ukraine)

later: Mr. VERGNE SABOIA (Brazil)

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(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1996/10, 24 and 25; E/CN.4/1996/NGO/1, 8 and 11; E/CN.4/1995/11, 21 and 27)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 13) (continued) (E/CN.4/1996/75, 76 and 96)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 14) (continued) (E/CN.4/1996/77 and 87; A/50/505)

1. Mrs. CARRIZOSA DE LOPEZ (Colombia) speaking on agenda item 6, said that in recent years the importance of the realization of the right to development as a universal, inalienable right indissociable from all other human rights had often been reaffirmed at various international conferences and in numerous reports on the subject. The debates in the Working Group on the Right to Development had also made it possible to arrive at a better definition of that right and of the modalities of application and to shed light on various views on the matter. It now remained to establish a practical and effective strategy whereby the effective exercise of the right would be secured, but responsibility for that lay essentially with States. Each Government must draw up policies which took into account the need to realize the right by giving equal priority to the objectives of political and social progress and economic objectives.

2. That commitment must also be seen at the international level, but it could not be fulfilled until the economic powers - States or international institutions guiding the world economy - took measures encompassing all dimensions of development. The realization of the right to development was obviously based on international cooperation; thus regional bodies and United Nations bodies and specialized agencies had a primary role to play in that field. Accordingly, the Colombian Government welcomed the decision by

the High Commissioner for Human Rights to establish, within the Centre for Human Rights, a branch responsible for coordinating activities to promote and protect the right to development. It was also in favour of setting up a working group to study, on the basis of the work done by the Working Group which had just completed its task and with the assistance of all those working to promote the right to development, the practical strategies to be elaborated in order to realize that right. Implementation of the right to development entailed a commitment to the pursuit of a higher degree of civilization and therefore required a great deal of solidarity.

3. Mr. MBA ALLO (Gabon) said that agenda item 4 was being considered on the day following the special initiative for Africa launched by the United Nations to accelerate African development, especially in the areas of education and health. It was thus an excellent time to take stock of the past and look to the future. All signs pointed to the conclusion that the African continent, as ill as it was, might be on the verge of profound change, since economic growth was visible in some countries and democracy was gaining ground. Nevertheless, the wealthy countries should nurture that small improvement by helping to lighten the debt burden of the most impoverished countries as well as of some countries with "intermediate" revenues.

4. Multilateral debt, which was constantly on the rise, remained one of the principal factors impeding economic and social development and the full exercise of human rights in numerous developing countries. As the Secretary-General pointed out in his report (E/CN.4/1996/22), any comprehensive approach to that problem presupposed intergovernmental and multilateral negotiations involving all creditor and debtor countries on an equal footing, within the framework of an international conference or of the General Assembly. The battle for human rights, as far as the developing countries were concerned, was above all a battle for economic, social and cultural rights, and consequently, a struggle for development. As part of the realization of those rights, it was essential to alleviate the burden of debt and debt servicing of developing countries so as to help their inhabitants to feed, house, clothe and care for themselves and attend school.

5. Mr. CABALLERO (Cuba) said that a month ago, nearly to the day, the Government of the United States had adopted the legislation known as the Helms-Burton Act, with the ultimate goal of fostering the political, economic and social changes in Cuba that Washington deemed desirable for the Cuban people. The method chosen to achieve that goal was none other than the economic strangulation of Cuba, for the aim was to prevent Cuba from engaging in trade with other countries, to impose sanctions on those who wished to maintain normal economic ties with Cuba and to invest there and to cut off access to United States markets for products from Cuba. Those measures had no other goal than to starve an entire people, including over 2 million children, to prevent it from exercising its economic, social and cultural rights and to shackle the country's independent development. The United States was taking those measures in defiance of resolutions adopted by the General Assembly in which it called for an end to the blockade against Cuba.

6. In so far as it provided for various types of sanctions against countries doing trade with Cuba, the Helms-Burton Act had an impact going beyond Cuban territory to affect virtually the entire international community. It was

therefore not merely legislation against Cuba, it was legislation against humanity, taking the denial of the right of peoples to sovereignty and self-determination to incredible extremes. It constituted an attempt to legislate beyond national borders which undermined free trade and created international legal precedents from which no country was immune. The sanctions had been unilaterally decreed by a Member State of the United Nations against other Member States in violation of the international legal order set out in the Charter of the United Nations and other international instruments such as the Agreement Establishing the World Trade Organization. That was why the international community had categorically condemned those unilateral coercive measures, which simply reinforced the blockade imposed by the United States against Cuba over 30 years ago.

7. The Cuban delegation deemed it indispensable for the Commission to point out that unilateral coercive measures were incompatible with the realization of economic, social and cultural rights, particularly the individual and collective right to development. Cuba would work towards the elaboration of such a statement together with other delegations that had similar concerns.

8. Mr. CAPO-CHICHI (Benin) said that institutions such as the Commission on Human Rights enabled the international community to give concrete form in the social, economic and political fields to the undertaking entered into by the States Members of the United Nations to promote the fundamental values of society and ensure respect for the human rights of their citizens. Since the restoration of democracy in February 1990, Benin had been engaged in that task with the assistance of the staff of the technical assistance programme set up by the Centre for Human Rights, including training seminars on topics such as education in human rights, human rights and the media, the rights of detainees and the independence of the judiciary. The new order that had been established, which also featured unrestricted multi-party democracy and the existence of many independent institutions, made for free play of political life, as demonstrated in a renewal of democracy and, in accordance with an agreed timetable, of the organs and structures of the State, by the sole lawful means, namely universal suffrage.

9. Despite its progress in introducing the inauguration of the rule of law, in the economic field Benin still had to wrestle with daily difficulties as a result of inadequate domestic financial resources. In order to cope with that situation, it had since 1989 been applying a programme of structural adjustment, the frequently deplorable social effects of which it sought to reduce by stressing the importance, during the negotiation of each successive stage, of programmes designed to meet the needs felt in the fields of food, health, education and housing. All the developing countries were suffering from the difficulties caused by economic rehabilitation measures that created social situations threatening the achievements of democratization. In the state of economic backwardness in which they found themselves, one which they were unable to remedy because of the deterioration in the terms of trade and the burden of debt, it was almost impossible for them to safeguard human dignity by respect for human rights. The Commission should therefore devote more attention to the search for effective means of reducing poverty while at the same time ensuring the promotion of democracy in a more sustainable environment.

10. It was also essential for the international community's commitments at the major international conferences held under United Nations auspices in recent years to materialize. The United Nations Conference on Human Settlements to be held in Istanbul in June 1996 and the World Food Conference planned for November 1996 could serve as an opportunity for examining past experience and reflecting on the challenges that remained to be met in those two essential fields of economic rights.

11. Lastly, he would stress his country's continued support for the tireless efforts of the Secretary-General of the United Nations, the High Commissioner for Human Rights, the Assistant-Secretary-General for Human Rights and all those responsible at various levels in United Nations bodies for defending and ensuring the supremacy of human rights and human dignity.

12. Mr. ZAHRAN (Observer for Egypt), speaking on agenda item 6, said that the 1986 Declaration on the Right to Development had marked an important stage in the history of human rights by defining the right to development, for the first time, as an inalienable right of the human person that constituted a pre-condition for the realization of all other human rights and fundamental freedoms.

13. The Declaration expressed the international community's aspiration to secure a steadily rising level of protection for the freedoms, dignity and well-being of the human person. The right to development combined an overall concept of development in all its economic, social, cultural and political dimensions with a demand for full and complete realization of all human rights and fundamental freedoms, including the right of peoples to self-determination, as the Secretary-General had stressed once again in his opening address to the Commission.

14. Realization of the right to development was the responsibility of all the agents of development within the international community - States, United Nations bodies, intergovernmental and non-governmental organizations, and individuals. It demanded international cooperation based on full respect for the principles of international law concerning friendly relations and cooperation among States, as set forth in the Charter of the United Nations.

15. Yet, despite political consensus on the right to development, realization of that right still suffered from a lack of concrete commitment at the international level, which had proved one of the most troublesome impediments to the implementation of the 1993 Vienna Declaration and Programme of Action.

16. At the national level, countries did not always adopt the economic and social policies that were needed to tie in democracy, development and respect for human rights and fundamental freedoms. Admittedly, they were held captive by an international economic environment which compelled them to make structural adjustments and they were also weighed down by the burden of external debt. The advantages they had reaped from cheap labour in the past tended to be fewer under the current trading system, while they found it increasingly difficult to secure an outlet on the world market for raw materials that were constantly dropping in price. Effective international

assistance would be needed to shore up those countries' efforts. Official development assistance, however, was notoriously inadequate and remained far below the levels set by the international community.

17. Within the United Nations system, the United Nations bodies and specialized agencies, which ought to have been the chief agents in implementing the Declaration on the Right to Development, had proved little qualified to play that role, as the Working Group on the Right to Development had pointed out. Not only was there a glaring lack of coordination among them, but the right to development did not feature as such among the international organizations' priorities or programmes.

18. The World Trade Organization and UNCTAD should devote special attention to that right.

19. Lastly, the unprecedented upsurge of armed conflict throughout the world in recent years, particularly since the end of the cold war, and the escalation of violence and terrorism also hampered realization of the right to development through the enormous waste of financial and human resources that they entailed. The international community must search for solutions to the problem and take energetic and effective steps to establish the conditions of peace and security that would foster realization of the right to development.

20. The declarations and programmes of action adopted by recent world conferences had emphasized the inalienable nature of the right to development and the interdependence and indivisibility of all human rights and had reaffirmed the undertakings given by Governments to ensure its realization.

21. Egypt supported the recommendations in the report of the Working Group (E/CN.4/1996/24) on the role that the various actors might play in implementing the Declaration on the Right to Development. In particular, it endorsed the Group's conclusions regarding increased participation by the NGOs and treaty bodies. The report called for stronger coordination between all the specialized agencies and appropriate bodies, the Bretton Woods institutions and the intergovernmental organizations in formulating strategies and determining appropriate programmes of action, on the basis of consultation and coordination between the actors responsible for the execution of the programmes. The balance between the economic, social and political aspects of development should, of course, be respected.

22. Lastly, Egypt considered that the mandate of the Centre for Human Rights should be given a new dimension by making the Centre responsible for putting into effect a programme for disseminating and promoting the Declaration, in its full context, among Governments, parliaments, senior administrators responsible for development and planning, organizations and associations.

23. It was gratifying that the Commission on Human Rights would be attaching increasing importance to economic, social and cultural rights, in addition to civil and political rights, and the very constructive efforts of the Working Group were most welcome. Hopefully, the Commission would set up an intergovernmental group of experts to promote the application of the rights set forth in the Declaration by defining a concrete strategy to that end.

24. Ms. HIGGINS (International Commission of Jurists) said that her organization regarded the realization of economic, social and cultural rights, which had been the theme of its third Triennial Conference, as particularly important. That Conference, attended by more than 100 jurists from all over the world, had adopted the Bangalore Declaration and Plan of Action, in which it expressed concern that jurists did not know how to make use of all the opportunities afforded by the International Covenant on Economic, Social and Cultural Rights.

25. There was no question of downgrading civil and political rights, but rather of drawing attention to the fact that, for the ordinary citizen who had never entered a court of law or a police station, the most obvious human rights were often the rights to housing, education, gainful employment and preservation of the environment.

26. In the Bangalore Plan of Action, which had been circulated to the Commission as document E/CN.4/1996/NGO/15, the Conference proposed a number of initiatives at the international, national and individual levels.

27. At the international level, it called for the immediate adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to enable individuals and non-governmental organizations to report violations of those rights directly to the United Nations. It also called for urgent measures to address factors which militated against the effective realization of those rights: namely, inter alia, increased military expenditures, corrupt practices and the fraudulent enrichment, and the low priority given to the status, role and equal participation of women.

28. In the Vienna Declaration and Programme of Action, the Commission on Human Rights had been explicitly encouraged to "continue the study of optional protocols to the International Covenant on Economic, Social and Cultural Rights". So far, however, it had received no specific proposal to that end. The International Commission of Jurists urged the Commission on Human Rights to give the Committee on Economic, Social and Cultural Rights all the support it needed in order to prepare a draft protocol for the Commission to consider at its next session.

29. Ms. LUONG THI NGA (Pax Romana) said that the fundamental rule of international law "Pacta sunt servanda bona fide" was enshrined in the Charter of the United Nations, in the two Vienna Conventions of 1969 and 1986 on the law of treaties, and in international jurisprudence. Viet Nam, as a member of the United Nations and a signatory of the two International Covenants on Human Rights, which were genuine treaties having binding effect on the States which ratified them, was accordingly under an obligation not to engage in activities contrary to those treaties and to act in accordance with their provisions.

30. Unfortunately, the Constitution of the Socialist Republic of Viet Nam, though adopted 10 years after the ratification of the Covenants by the Vietnamese Government, did not ensure full respect for human rights and democratic freedoms in that country. The provisions of the preamble to the Constitution as well as articles 4 and 13, which reaffirmed attachment to

Marxism-Leninism and the thought of Ho Chi Minh, to the exclusion of all other ideologies and way of thinking, were a clear denial of the rights to freedom of thought, conscience, expression, belief, religion, assembly, and so on, set out in other parts of that Constitution.

31. Vietnamese citizens who were not socialists or Marxist-Leninists were by that fact alone deprived of access to public office and opponents of the regime in power were regularly subjected to repression and persecution. Such acts were a flagrant violation of the human rights treaties and a failure to comply with the rules of international law which a Member State of the United Nations undertook to respect in good faith.

32. Ms. LOPEZ (Committee for the Defense of Human Rights in Central America) said that, despite such international instruments as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and despite the fact that the States of Central America were parties to those instruments, the economic, social and cultural rights of the majority of their populations continued to be violated. The Governments of those countries, heavily in debt and forced to make adjustments in their economies by the International Monetary Fund, the World Bank and the members of the Paris Club, had been driven to take steps which made the situation of the disadvantaged groups still worse.

33. In El Salvador, for example, the tax burden on the middle classes had been increased; 65 per cent of Salvadorians over the age of 12 could neither read nor write and more than 500,000 dwellings needed to be built. In Costa Rica, the structural adjustment programme meant that more than 63,000 people had been thrown out of work and 200,000 were underemployed. In Guatemala, 60 per cent of the population lived below the poverty line and 52 per cent were illiterate, particularly in the rural areas, yet reducing the budget for the army, which was the largest in Central America, was out of the question. In the case of Panama, the United Nations Committee on Economic, Social and Cultural Rights had found in 1995 that, according to the unanimous opinion of the non-governmental organizations and international agencies, there was a housing shortage of between 200,000 and 250,000 dwellings. In Nicaragua, the economy was suffering from the wave of privatizations imposed by the IMF and the World Bank as part of the structural adjustment programme. In Honduras, the rapid impoverishment of the population and the absence of any social policy had triggered violent social conflicts resulting in a number of deaths, particularly among the farm workers' representatives.

34. It was incomprehensible that United Nations bodies such as the International Monetary Fund and the World Bank should have become the main authors of violations of economic, social and cultural rights in the developing countries. Sacrificing the interests of the majority of the population to those of a small minority, in the name of economic growth, was completely unjustifiable.

35. Ms. NEURY (Centre Europe - Tiers-monde) said that the overriding need to move towards balanced treatment of civil and political rights on the one hand and economic, social and cultural rights on the other had been put forward in the Declarations and Programmes of Action recently adopted at the World Conference on Human Rights and at the World Summit for Social Development. In

resolution 1995/15, the Commission for its part had encouraged country rapporteurs to give thought, where appropriate, to making specific reference in their reports to the enjoyment of economic, social and cultural rights. It was therefore more than merely a matter for regret that those rights, like the right to development, were subject to such restricted treatment.

36. Centre Europe - Tiers-monde supported any measure likely to reduce the dizzying levels of indebtedness of the countries of the South and also any measure that would help to redress the financial situation of the United Nations, for example the imposition of a tax on international currency transactions. Structural adjustment programmes should also be reformulated to benefit human development.

37. Ten years after the adoption of the Declaration on the Right to Development, the balance-sheet still made extremely gloomy reading. Centre Europe - Tiers-monde was therefore in favour of an optional protocol being adopted and of regional and international consultations being held on the matter, as well as the establishment of a working group with the participation of experts from UNCTAD, UNDP and the United Nations Research Institute for Social Development, so that the commitments made by Governments under the Programme of Action of the World Summit for Social Development could be met. In fact, many of the measures to be taken at national level appeared to be incompatible with the policies of and constraints imposed by the international financial and trade institutions, which advocated a market economy based on competitiveness, competition and deregulation, and whose rules were incompatible with international law established by the United Nations. In view of those considerations and of the 1969 Declaration on Social Progress and Development, she wondered how the international community and Governments in particular could commit themselves, as they had at Copenhagen, to promoting the building of societies that were better balanced, when they knew that they would not have adequate means to achieve such an objective.

38. Mr. TEITELBAUM (American Association of Jurists) said that the documents his organization had submitted to the Commission and which had, unfortunately, been issued only in Spanish, dealt with a number of related problems: the question of external debt, the adverse effects of an unjust international order on various fundamental rights and the right to development. All who controlled the world economy, finance and technology, supported by the international institutions, were now, through the policies of IMF, opposed to the relief or cancellation of the multilateral debt of the countries of the third world, in order better to control the resources of those countries for their own profit. At the same time, there was a tendency to institutionalize that hegemony over the world's economic and social affairs by allowing such questions to be handled only by bodies of limited and closed membership in which the Bretton Woods institutions participated but from which the sovereign States concerned, social partners and objective experts were excluded. One example was the Commission's decision to "miniaturize" the debate on items 5 and 6 of the agenda.

39. However, the imbalances did not, as was claimed, result from external factors or the irrational policies of the developing countries. They were the outcome of the policies of the rich countries, particularly the United States

and the OECD countries in general, which had exported their own crises to the developing countries, with all the consequences that implied. The optimistic forecasts by IMF, World Bank and OECD experts of a possible economic revival had been proved wrong by the facts, and one might well ask how long peoples would continue to put up with the lies, the poverty, the exclusion and the oppression while a small minority held on to its privileges.

40. On the question of the right to development, the American Association of Jurists welcomed the fact that the Working Group on the Right to Development had successfully completed its work, even though it did not endorse some aspects of the Group's most recent work. In order to go into the question more deeply the Commission should set up an open working group bringing together non-governmental organizations (NGOs), the relevant United Nations bodies, the Committees monitoring compliance with Covenants, and national institutions for the defence of human rights. Furthermore, regional consultations should be organized under the auspices of the United Nations regional economic commissions that would lead to a global consultation on the right to development bringing together all the social partners. A balanced policy in that area presupposed that due account was taken of the views of States, United Nations bodies, NGOs and, above all, the representatives of civil society who would be the actual victims or beneficiaries of future strategies.

41. Mr. Vergne Saboia (Brazil) took the Chair.

42. Ms. BRACHET (International Federation Terre des Hommes) said that in the latest edition of WHO's International Classification of Diseases, poverty was presented as the most effective killer and main cause of suffering. Every year 12.2 million children under the age of five died of preventable diseases. As the vast majority of programmes it supported were targeted at the effects of poverty on children, the International Federation Terre des Hommes had welcomed with great satisfaction the declaration of 1996 as the International Year for the Elimination of Poverty.

43. No continent was spared from poverty. In Latin America, 200 million people were affected. It was in south Asia that the greatest concentration of poor people was to be found, and their number was continually on the increase. Sub-Saharan Africa was the only region in which the infant mortality rate was rising. In the United States the mortality rate for Black children in 1992 was twice as high as for White children. More than 15 per cent of the population of the United States and Western Europe was living below the poverty line. In short, 1.5 billion people in the world were desperately poor, and the number was increasing by about 25 million every year. Women and various disadvantaged groups were worst affected.

44. Individual poverty, however, was not fatal, and it was possible to combat it, as the International Federation Terre des Hommes was doing, through a partnership with the local and national organizations of civil society. The members of the OECD Development Assistance Committee had endorsed that approach when they stated in May 1995 that they would be focusing their support on programmes to help those least well provided for to improve their living conditions. The activities supported by the members of the Federation in north-eastern Brazil, the Philippines, Viet Nam and Bolivia, in particular,

demonstrated the effectiveness of dialogue and partnership provided that global economic factors did not compromise the achievements and that one could modify projects as they were being implemented.

45. Mr. BHAN (International Institute for Peace) said that everyone had a responsibility, individually and collectively, to promote and protect political and social environments that contributed to the realization of the fundamental right to development. According to the Declaration on the Right to Development, which stated that "the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms could not justify the denial of other human rights and fundamental freedoms", the right to development could not be separated from the right to life, freedom and the pursuit of happiness. Specifically, it implied that the physical and spiritual heritage of people everywhere must be preserved. His own countrymen, who were striving to improve their lot and to create a brighter future for their children, were at the mercy of terrorists and foreign mercenaries whether in Bombay, Delhi or the Kashmir valley. In Jammu and Kashmir, people were desperately seeking peace, democracy and a return to their traditional harmonious way of life, but whenever peace appeared on the horizon the terrorists struck. The role played by Pakistan in disfiguring Jammu and Kashmir was too well known to require elaboration.

46. In promoting the inalienable right to development, it was imperative for the international community to condemn those countries and groups which, in the name of religion, ideology or territorial ambition, encouraged violence to the detriment of development and prosperity.

47. Mr. DILLOWAY (International Humanist and Ethical Union), speaking on agenda items 5 and 6, said that the new draft declaration of principles on human rights and the environment prepared by Mrs. Ksentini should be considered without delay, since it met an urgent need. Yet it was a difficult subject to define. First, it seemed necessary to make a distinction between natural and social environments because the degradation of the social environment was increasingly a factor in mental and physical ill-health. Furthermore, account must be taken not only of environmental abuse but also of the various kinds of natural resource, some of them so far unexploited.

48. Since 1990 new threats to economic and social rights had mushroomed in the supposedly developed world. One of them was the privatization of "natural monopolies" - which were in reality essential public services - for ideological reasons or short-term profit. Another tendency gaining ground was the deregulation and casualization of employment. Privatization, invariably implemented without any public consultation, jeopardized the general interests and security of the public. Social deregulation resulted in a destructuring of the social fabric and produced a general feeling of insecurity in individual members of society. The rights to life, health and work were undermined in a strongly competitive society, to the advantage of company shareholders obtaining maximum profit.

49. The legal ramifications of such problems had so far received little serious attention. At the national level there was the question as to what constituted public property and how it was often arbitrarily privatized without any public consultation. At the international level it was not very

clear how relevant the International Covenant on Economic, Social and Cultural Rights and article 2 of the Declaration on the Right to Development were in the context. In view of the growing complexity of economic life, it would be indispensable to guarantee the essential rights to life, health and work through a set of "second generation" principles.

50. Mr. SONI (Himalayan Research and Cultural Foundation) emphasized that despite the fact that the international community continued its debate on the question of the realization of the right to development and that the Commission, in resolution 1995/17, had underlined that the human person must be "the central subject of development", no mechanism had been established effectively to promote and to protect fundamental rights in that context. The international community had to focus its efforts on development programmes which made sure that the needs of individuals for food, health, shelter, education, employment and, above all, peace were satisfied.

51. Rising violence and the proliferation of areas of conflict were an impediment to development. For example, the peoples of the countries of the Indian subcontinent were the victims not only of the economic difficulties besetting their countries but also of the territorial ambitions of States and of the scourge of terrorism. The displacement of populations in search of better conditions of life was another reason for tension between the countries of the region. A global strategy was urgently required to educate people and States to eschew actions that destabilized neighbours, discriminated between different groups of their populations and prevented the wastage of resources.

52. Now that the horrors of the cold war had receded, the international community must address the question of blind violence and terrorism and the resulting damage to the social and economic fabric of societies. The establishment of global peace was a prerequisite for development. In the absence of specific action to defend the essential ingredients of democracy, any debate about the right to development would probably be fruitless.

53. Ms. AULA (Pax Christi International), speaking also on behalf of Pax Romana, wondered whether official aid to development was adequate in meeting the needs of those in most need of it. Numerous studies had shown that it did not achieve its goals and usually went to developing countries with a relatively high income rather than to the poorest countries. UNDP had denounced the fact that the poorest 10 countries received only one third of worldwide aid to development. Furthermore, countries which were big arms buyers generally received five times more aid than the less-armed underdeveloped countries. In that connection, Pax Christi International invited the Commission to call for a total ban on the production, marketing and use of anti-personnel land-mines and laser weapons; the Commission's decision on the matter might be based on resolution 1995/24 adopted in August 1995 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Moreover, it was often the case that aid chiefly benefited the social classes that had already achieved a certain level of development. States had to face up to their responsibilities for ensuring for everyone the progressive realization of economic, social and cultural rights and mitigating the often destructive effects of structural adjustment programmes. It was also regrettable that human rights violations were still not regarded as an obstacle to the granting of aid to development.

54. Most donor countries granted long-term loans at low rates of interest, generally in accordance with the rules established by OECD. In spite of some progress regarding international limits on national policies, there were still unresolved questions, especially about aid provided in exceptional cases. Aid granting policies should be reviewed in terms of quantity and quality. Pax Christi International urged the Commission to adopt a resolution that would strengthen the role of UNDP in designing sustainable development strategies within the framework of the process of reducing the international debt of the developing countries, as the Commission had recommended in resolutions 1995/13 and 1995/17; that would recommend the granting of official aid to the least developed countries, in accordance with UNDP and UNCTAD criteria; that would harmonize international rules with respect to countries persistently violating human rights; that would firmly ban any commercial relationship implying weapons being financed as official aid to development; and finally, that would express its full support for the efforts made by the Working Group on the Right to Development.

55. The CHAIRMAN invited delegations wishing to do so to exercise their right of reply.

56. Mr. KUEHL (United States of America) pointed out that his delegation did not normally reply to criticism of United States policy expressed by members of the Commission. However, one delegation had described an Act of the United States Congress as a "genocidal policy". The speaker in question knew perfectly well that the policy had been aimed at bringing about democratic changes in his country. Using the word "genocide" in such a context was not only inflammatory: it also trivialized the meaning of the word and insulted the victims of real acts of genocide.

57. Mr. LE LUONG MINH (Viet Nam) said that the non-governmental organization, Pax Romana, had presented the situation in Viet Nam in a false and unjust manner. He regretted that at session after session a group of foreign-based Vietnamese came to criticize the country with such bitterness, when in the period since the end of the war, 20 years ago, a new page had been turned and the majority of Vietnamese were contributing to the reconstruction effort.

58. Mr. CABALLERO (Cuba) reiterated that the embargo declared by the United States Congress constituted genocide in that it aimed to deprive the Cuban people of food and medicine. Without the efforts of the Cuban Government, the children would not be able to survive.

59. Mr. APPARICIO (Brazil) wished to make a clarification regarding the statement made at the ninth meeting by the African Association of Education for Development, which had referred to cases of sterilization of Black women in Brazil. Such cases were not the result of deliberate government action. The facts of the matter were that Brazilian women of all social classes and all colours of skin utilized sterilization on a voluntary basis. The Brazilian Government acted to ensure that means of contraception were made available to women without distinction as to race, colour of skin and social status in order to prevent or reduce resort to sterilization. Moreover, the Federal Government had promulgated Act No. 9.029/95, which, inter alia, forbade employers from requiring a medical certificate attesting to the sterilization of female workers.

The meeting rose at 5.10 p.m.